

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENEE LAMAR,

Plaintiff,

Case No. 2:22-cv-10235

v.

Honorable Susan K. DeClercq
United States District Judge

LINCARE INC., and PHILIPS RS
NORTH AMERICA LLC D/B/A
RESPIRONICS, INC.,

Defendants.

**ORDER DENYING AS MOOT DEFENDANT LINCARE INC'S MOTION
FOR SUMMARY JUDGMENT (ECF No. 28) AND DIRECTING ALL
PARTIES TO FILE CLOSING DOCUMENTS**

Sixty-nine-year-old Paula Maxwell suffered from chronic obstructive pulmonary disease (COPD) and depended on an oxygen concentrator to breathe. But on April 5, 2020, her oxygen concentrator failed. Unable to draw a breath without her concentrator, Paula passed out and was rushed to the hospital by her daughters. After two weeks on life support, Paula passed away on April 21, 2020.

Paula's daughter Renee Lamar, as personal representative of Paula's estate, brought this lawsuit in 2022, suing both the manufacturer and the supplier of the oxygen concentrator.

In April 2024, Defendant Lincare Inc. filed a motion for summary judgment. ECF No. 28. A hearing on Lincare's motion was held on January 8, 2025. ECF No.

35. But on March 18, 2025—while Lincare’s motion was still pending—counsel for Lincare notified this Court that Plaintiff and Lincare had reached a settlement and were working to prepare documents to close the case.

In light of Plaintiff’s settlement with Lincare, Lincare’s motion for summary judgment, ECF No. 28, will be denied as moot, and *all* Parties¹ will be directed to submit closing documents on or before April 18, 2025.

Accordingly, it is **ORDERED** that Defendant Lincare’s Motion for Summary Judgment, ECF No. 28, is **DENIED AS MOOT**.

Further, it is **ORDERED** that the Parties are **DIRECTED** to submit closing documents via the Utilities, Proposed Order function of CM/ECF on or before **April 18, 2025**.

This is not a final order and does not close the above-captioned case.

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge

Dated: March 19, 2025

¹ In January 2024, the Parties informed the Court that Plaintiff and Defendant Philips had reached a settlement. *See* ECF No. 27 at PageID.215. But, as of the date of this order, no stipulation reflecting that resolution has been filed on the docket.